

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 8:06CR50
)
)
 v.))
)
RUDOLPH GEORGE STANKO,))
)
 Defendant.))
)

This matter is before the court following a hearing on issuance of subpoenas for trial by the defendant in this case. Filing No. 116. The defendant had previously filed numerous requests for subpoenas, and the court determined that the most expeditious way to handle these requests was by conducting a hearing. In addition, the court has already granted permission for certain subpoenas to issue, and those subpoenas and many have been served and executed. Filing Nos. 131 (Kathy Willnerd); 132, Catherine Stanko; 133, Terry Robbins; and 134, Keith Drinkwater. The court has also permitted defendant to subpoena Brenda Berg.

After listening to the arguments presented by the defendant, the court concludes as follows:

1. Defendant will be permitted to subpoena the following witnesses for trial in his case:

- a. Rick Burleigh
- b. Richard Anderson
- c. Shiela Budd
- d. One character witness (can be chosen out of the "no" list below)
- e. One expert for handwriting analysis
- f. Security Bank may designate a records custodian

2. Defendant will not be permitted to subpoena the following witnesses for trial in this case without a further substantial showing of relevance:

- a. Mike Smith
- b. Joni Horan
- c. Dennis King

- d. Lynn Kreitman
- e. Jeff Aurich
- f. Shawn Griffith
- g. Crystal Lemaster
- h. Bridget Lemaster
- i. Roger Roots
- j. Randy Kemp
- k. Terry Van Houten
- l. Scott Stanko
- m. Debbie Thompson
- n. Ralph Stroheid
- o. Alan Elwood
- p. William Hanemann
- q. Mike Lemaster
- r. Stephanie Burrell
- s. Brent Berg
- t. Bruce Berg
- u. Ed Hammond
- v. John Roland
- x. Clayton Riesen
- y. Dee Dee Ray
- z. Reienne McElya
- aa. Patty Faulb
- bb. Steve DeBoer
- cc. Lyndon Hooper
- dd. Requests for all other experts, including those designated in Filing No. 117, page 3, #'s 12 through 18
- ee. John Freudenberg
- ff. Robert Coupland
- gg. Sheriff Robbins
- hh. Clint Burrell
- ii. Jessica Burrell

The court finds that most of the testimony offered by these witnesses would not be relevant to the case at hand. Furthermore, much of the testimony of the character witnesses would be cumulative and not relevant. As for the request for experts, the court finds they should be denied, with one exception. The court will allow the defendant to utilize the services of a handwriting expert. Stand-by counsel Joe Gross can assist the defendant with obtaining the names of possible experts. Defendant also requests the testimony of Brian Dostal. The government has represented that Mr. Dostal will be in court, and therefore, no subpoena will be necessary. This list includes so called Social

Security expert witnesses. Such witnesses may be relevant but must be retained, not subpoenaed.

THEREFORE, IT IS ORDERED THAT defendant will be permitted to subpoena the following witnesses for trial in his case:

- a. Rick Burleigh
- b. Richard Anderson
- c. Shiela Budd
- d. One character witness
- e. One expert for handwriting analysis, and
- f. Security Bank may designate a records custodian

DATED this 25th day of September, 2006.

BY THE COURT:

s/Joseph F. Bataillon
Chief United States District Judge